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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,606	04/22/2004	Jeffrey M. Simpson	2S14.1-031	6850
23506	7590	03/20/2006	EXAMINER	
GARDNER GROFF SANTOS & GREENWALD, P.C.			GRILES, BETHANY L	
2018 POWERS FERRY ROAD			ART UNIT	
SUITE 800			PAPER NUMBER	
ATLANTA, GA 30339			3643	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/829,606	SIMPSON ET AL.	
	Examiner	Art Unit	
	Bethany L. Griles	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08202004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Cahajla US5699754.

Regarding claim 1, Cahajla discloses a substantially rigid frame 36 and a moisture resistant plastic stranded material (col 3, lines 60-63) woven into the frame to present the appearance of a rattan material.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahajla in view of Liu US6230915.

Regarding claims 2, 16, 17, 23, and 24, Cahajla discloses a plastic material.

Cahajla does not disclose the structure is generally flat.

Liu discloses a structure comprising generally flat panels assemble together (Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to make a more versatile product which was easier to package and assemble.

Regarding claim 3, Cahajla discloses a box like structure (Figure 2).

Regarding claim 4, Cahajla discloses the bottom of the structure is open (col 3, lines 20-25).

Regarding claims 5 and 6, Cahajla does not disclose a pin and ferrule coupling.

Liu discloses a pin 31', 32', 33' and ferrule (unnumbered) coupling attached to each other by at least one connector foot comprising a resilient block 42, 43 for engaging cooperating posts of the panels.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to make the structure more sturdy and easier to assemble and disassemble.

Regarding claim 7, Cahajla discloses a catch tray 18 for resting a litter box thereon.

Regarding claim 8, Cahajla discloses a removable catch tray 14a, 14b has at least one notched corner (see element 14a in Figure 2).

Regarding claims 9, 12, 13, and 15, Cahajla does not disclose a pivotally opening front panel.

Liu discloses a pivotally opening front panel 9.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Liu to the invention of Cahajla in order to control ingress and egress.

Regarding claim 10, Cahajla discloses at least one rail 32 for sliding a litter pan thereon.

Regarding claims 11 and 14, Cahajla discloses a latch 40, 42 in the form of threads.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kenney USD426684; Markey US5551371; Wade et al. US6062169; Rawson US6286458; Crafton et al. US6298808; Gramlich US6332429; Tomlinson US6367420; Sexton US6848394.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 571.272.6888. The examiner can normally be reached on Wednesday and Thursday, 5.30 am-2.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bethany L. Griles
Examiner
Art Unit 3643

blg

Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600